



California Regional Water Quality Control Board

San Francisco Bay Region



Arnold Schwarzenegger
Governor

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Agency Secretary

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Date: January 18, 2006
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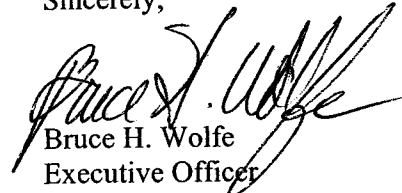
Mrs Kathleen Hall.
Mr. James Hall Jr.
1552 Madeira Drive
Pacifica, CA 94044

**NOTICE: CLEANUP AND ABATEMENT ORDER FOR MRS. KATHLEEN HALL AND
MR. JAMES HALL JR. 1552 MADEIRA DRIVE, PACIFICA .**

Dear Mrs. Hall, and Mr. Hall, Jr.:

The Water Board is issuing a Cleanup and Abatement order for unauthorized discharges at 1552 Madeira Dr. in the City of Pacifica. A copy of the Cleanup and Abatement Order is enclosed.
If you have any questions regarding this Order, please contact Carmen Fewless at 510-622-2316 or email her at cfewless@waterboards.ca.gov.

Sincerely,


Bruce H. Wolfe
Executive Officer

Enclosure: Cleanup and Abatement Order

California Water Code (CWC) Sections 13260 and 13264. In addition to the unauthorized placement of fill, due to the rainstorms preceding December 08, 2004, the fill material became mobilized and caused a discharge of sediment and a condition of pollution in San Pedro Creek and other downstream waters of the State, as shown on the photographs received by Water Board staff on December 02, 2004.

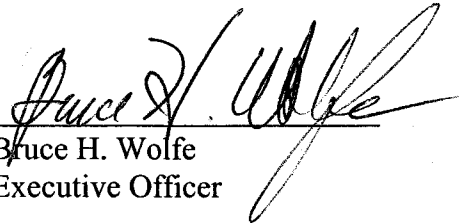
5. On October 15, 2004, California Department of Fish and Game (DFG) inspected the Dischargers' site. By letter of October 21, 2004, DFG required certain actions by the Dischargers to immediately stabilize the site. Subsequent inspections by Water Board staff indicated that the actions required in the DFG letter were not done. This was confirmed in discussions between Water Board and DFG staff. DFG staff concurred that Water Board enforcement actions would address their concerns about the site, and compliance with Water Board requirements would be considered compliance with their letter of October 21, 2004.
6. On December 23, 2004, the Water Board issued a Notice of Violation (NOV) for the illegal placement of fill into San Pedro Creek. The NOV notes the inadequate stabilization and protection of the disturbed areas and contains requirements issued under CWC Section 13267 that the Dischargers submit technical reports that include an Interim Corrective Action Plan designed by a certified professional, due January 14, 2005; proof that the site had been successfully restored, due January 25, 2005; and an assessment of the impacts to San Pedro Creek, completed by a professional geomorphologist and/or creek restoration specialist, to serve as the basis for the Restoration, Mitigation, and Monitoring Plan also required by the NOV, due February 11, 2005. As of the date of this Order, the required reports have not been submitted.
7. On June 14, 2005, Water Board staff visited the site, which appeared to be stabilized and planted, with the exception of the westernmost portion of the site. Water Board staff, however, needed to review the technical reports, not yet submitted, to properly evaluate the adequacy of the work that had so far been completed. In the course of the visit with Mr. James Hall, Jr., Mr. James Hall, Jr. admitted that he was the one performing the work at the site. At the end of the site visit, Water Board staff expressed concern regarding the unstable portion of the site and the re-vegetation work, requesting the appropriate stabilization of this area and a new set of plantings, to avoid further erosion of soil into the creek. Water Board staff requested this work to be performed by a certified professional, and completed before the arrival of the rainy season.
8. On September 9, 2005, Water Board staff made a scheduled visit to the site. Water Board staff were met by Mr. James Hall, Jr. and by his father (Mr. Hall, Sr.). The site was in the same condition as it was during the site visit in June, as no work had been done to stabilize the westernmost part of the property, and no new planting had occurred; there were still, however, about three weeks left until

3. Removal of riparian vegetation along the Creek is prohibited.

B. Provisions

1. By **February 17, 2006**, the Dischargers shall prepare and submit a Corrective Action Plan, acceptable to the Water Board Executive Officer, designed by a suitably certified professional, to adequately stabilize and protect all disturbed areas of the site in the following manner:
 - a. Characterize the nature and extent of the unauthorized grading and filling activities by means such as, but not limited to, providing a map illustrating the extent of the fill and surface disturbance and providing calculations quantifying the amount of material placed on the bank, and the acreage of surface disturbance referenced in the findings above.
 - b. Stabilize all disturbed, uncovered, and/or unprotected areas of the site with a combination of effective erosion and sediment control measures suitable for use during the rainy season. Such measures may include, but need not be limited to, erosion control blankets and fiber rolls.
2. Within thirty days of approval of the Corrective Action Plan by the Water Board Executive Officer, the Dischargers shall implement the Corrective Action Plan and shall submit a technical report, acceptable to the Water Board Executive Officer, including a description of the corrective actions taken and photographs documenting that the site has been successfully restored and stabilized in accordance with Provision 1 above.
3. By **March 1, 2006**, the Dischargers shall submit a complete and adequate Report of Waste Discharge (ROWD) application that includes the following:
 - a. An assessment of the impacts to San Pedro Creek, acceptable to the Water Board Executive Officer. This assessment must be completed by a professional geomorphologist and/or creek restoration specialist and must minimally address channel hydrology, bank erosion, riparian habitat and loss thereof, stability, as well as documentation (e.g., aerial photographs, photographs, reports, topographic maps or drawings, etc.) that shows the nature of the site prior to the un-permitted activities. Assessment findings shall serve as the basis for the Restoration, Mitigation, and Monitoring Plan outlined in provision 3.b. below.
 - b. A Restoration, Mitigation and Monitoring Plan acceptable to the Water Board Executive Officer, to restore, compensate for and minimize any further impacts to San Pedro Creek. Best Management Practices (BMPs) shall be applied to all work impacting, or having the potential to impact the Creek, including work

Pursuant to California Water Code Sections 13304 and 13350, if the Dischargers fail to comply with the provisions of this Order, the Board may schedule a hearing to consider assessing civil monetary penalties a minimum of \$500 per day and up to \$5,000 per day of violation of this Order, and to consider requesting the Attorney General to take appropriate enforcement action against the Dischargers, including injunctive and civil monetary remedies. This Order does not preclude the Board from taking appropriate enforcement action for past violations of the California Water Code.



Bruce H. Wolfe
Executive Officer

JAN 28 2006

Date